

22-11068 JTD

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

Case No. 22-11068 (JTD)

Chapter 11

2024 OCT 17 PM 1:21

In re:

FTX Trading Ltd., et al., Debtors

Response to the Debtors' Ninety-Fourth (Non-Substantive) Omnibus Objection to Certain Superseded Claims (Customer Claims) - Doc 25691, Dated September 25, 2024, Regarding Claim No. 1253 (Overprod, EURL)

Jérôme Carrette

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Filed via: The Office of the Clerk of the United States Bankruptcy Court for the District of Delaware

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Date: October 3rd, 2024

Introduction and Overview

I, **Jérôme Carrette**, owner and director of Overprod, EURL, am filing this Response to the Debtors' objection to my company's claim (**Claim No. 1253**). The claim is not superseded by my personal claim (Claim No. 2000), as the Debtors assert. The two claims are entirely separate and concern distinct accounts, legal entities, and transactions. I hereby request the Court to reject the Debtors' attempt to disallow my company's claim.

Claimant Information:

- **Name of Claimant:** Jérôme Carrette, representing **Overprod, EURL**
- **National Company Registration Number:** [REDACTED]
- **Registered in:** France
- **Claim Number:** 1253

- **Description of Claim:** Overprod EURL's claim against FTX Europe for €10,000 EUR (\$10,359 USD), related to a fiat deposit made on September 13, 2022, which remained untraded when FTX filed for bankruptcy. This claim is distinct from my personal claim, Claim No. 2000, which is against FTX.com.

Factual Basis for the Response

1. Personal Claim (Claim No. 2000):

I filed this claim in relation to my personal FTX account, which I created on February 11, 2021. I used this account exclusively for personal trading, using the email jerome.carrette@gmail.com. The balance of my personal account, as confirmed by Kroll, was \$9,254 USD. Unique customer code given by Kroll: 00592591.

2. Company Claim (Claim No. 1253):

My company Overprod, EURL, filed a separate claim for €10,000 EUR. Overprod created a distinct FTX account on August 23, 2022, using the email me@jeromecarrette.com, and the €10,000 were deposited from my company's bank account on September 13, 2022. No trades were made with these funds before FTX's bankruptcy. Unique customer code given by Kroll: [REDACTED]

Both claims represent separate legal entities, separate accounts (each with a different email address), and are with different branches of the FTX group (FTX.com for my personal claim and FTX Europe for my company claim). The confusion likely arises from the fact that I manage both accounts, but the accounts are not linked beyond my role as both an individual and the owner of the company.

The funds in the FTX account associated with Overprod, EURL, originated exclusively from a direct fiat deposit made from the company's official bank account. This deposit was intended for corporate investment and trading purposes, clearly distinguishing it from the funds in my personal FTX account.

In contrast, the assets in my personal FTX account were sourced entirely from cryptocurrency transfers. These transfers were made from my personal account at Kraken, reflecting a separate and distinct origin that aligns with my individual trading activities.

This clear delineation underscores that the funds in each account are unrelated and independently sourced, supporting their distinction in any claims or financial assessments related to FTX's proceedings.

Legal Argument

The Debtors' assertion that Claim No. 1253 is superseded by Claim No. 2000 is factually incorrect. The claims relate to distinct accounts (personal and corporate) at different entities within the FTX group (FTX.com and FTX Europe). Under U.S. bankruptcy law, the claims of separate legal entities should not be conflated due to shared management.

The relevant bankruptcy statutes support the recognition of both claims as distinct liabilities of separate entities. The corporate claim involves a deposit by Overprod, EURL, a distinct legal entity, and therefore, cannot be superseded by my personal claim against FTX.com. Furthermore, the Debtors have provided no basis under 11 U.S.C. §502(b) or any other applicable statute to disallow Claim No. 1253.

Supporting Documentation

The following documents, which were previously submitted with the original proofs of claim for Claim No. 1253 and Claim No. 2000, support the assertions made therein. These documents are not being resubmitted here, as requested, but are available for review if needed:

For Company Claim No. 1253 (Overprod, EURL):

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For Personal Claim No. 2000:

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11.

These documents collectively outline the financial transactions, deposits, and communications with FTX associated with each claim. They are essential for

demonstrating the basis and legitimacy of both the personal and company claims against FTX.

Contact Information

For further communication regarding this response, please contact me at:

Jérôme Carrette

Email: jerome.carrette@gmail.com

Phone: +337 81 71 75 85

Owner and Director of Overprod, EURL

I possess full authority to reconcile, settle, or otherwise resolve this objection on behalf of Overprod, EURL.

Conclusion

For the reasons outlined, I respectfully request that the Court reject the Debtors' objection to Claim No. 1253, recognizing that it pertains to a separate legal entity, Overprod, EURL, and concerns an account with FTX Europe. The claim should be processed independently from Claim No. 2000, which pertains to my personal account with FTX.com.

Thank you for your consideration of this matter.

Sincerely,

Jérôme Carrette

Owner and Director, Overprod, EURL



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